

By: Shapleigh S.B. No. 544  
(In the Senate - Filed February 16, 2005; February 28, 2005,  
read first time and referred to Committee on Criminal Justice;  
April 14, 2005, reported favorably by the following vote: Yeas 4,  
Nays 0; April 14, 2005, sent to printer.)

A BILL TO BE ENTITLED  
AN ACT

relating to the creation of a commission to study capital  
punishment in Texas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 37, Code of Criminal Procedure, is  
amended by adding Article 37.15 to read as follows:

Art. 37.15. TEXAS CAPITAL PUNISHMENT COMMISSION

Sec. 1. CREATION. The Texas Capital Punishment Commission  
is created.

Sec. 2. DUTIES. (a) The commission shall study capital  
punishment in this state, concentrating particularly on:

(1) addressing issues related to the legal  
representation of indigent inmates in capital cases;

(2) identifying aspects of the capital punishment  
process that need improving, if any, including the manner in which  
law enforcement agencies and the criminal justice system in this  
state investigate, prosecute, and handle appeals of capital cases  
and the ability of new technologies, including DNA testing, to  
increase the reliability of convictions in capital cases; and

(3) establishing safeguards that ensure that law  
enforcement agencies and the criminal justice system in this state  
fairly and accurately investigate, prosecute, and handle appeals of  
capital cases.

(b) In conducting the study under Subsection (a), the  
commission may use the American Bar Association protocol, Death  
Without Justice: A Guide for Examining the Administration of the  
Death Penalty in the United States.

(c) After completing the study, the commission shall  
propose legislation to correct any inequities in the capital  
punishment process in this state. Legislation proposed under this  
subsection must be designed to ensure that the application and  
administration of capital punishment in this state is just, fair,  
and accurate.

Sec. 3. COMPOSITION. (a) The commission is composed of  
the following 11 members:

(1) the executive director of the Texas District and  
County Attorneys Association or the executive director's designee;

(2) the executive director of the Texas Criminal  
Defense Lawyers Association or the executive director's designee;

(3) the executive director of Justice for All or the  
executive director's designee;

(4) the executive director of Murder Victims' Families  
for Reconciliation or the executive director's designee;

(5) two members appointed by the governor;

(6) two members appointed by the lieutenant governor,  
one of whom must be a former appellate level judge recommended by  
the Texas Judicial Council;

(7) one member appointed by the speaker of the house of  
representatives;

(8) one member appointed by the dean of the law school  
at The University of Texas at Austin; and

(9) one member appointed by the dean of the law school  
at Texas Tech University.

(b) Each member of the commission must be generally  
experienced in criminal justice matters.

(c) Each appointed member serves at the pleasure of the  
official by whom the member is appointed.

(d) The governor shall designate a member to serve as

presiding officer.

Sec. 4. REIMBURSEMENT. A member of the commission may not receive compensation but is entitled to reimbursement for the member's travel expenses as provided by Chapter 660, Government Code, and the General Appropriations Act.

Sec. 5. ASSISTANCE. The Texas Legislative Council and the Legislative Budget Board shall assist the commission in performing the commission's duties.

Sec. 6. SUBMISSION. The commission shall submit the proposed legislation described by Section 2(c) to the lieutenant governor and the speaker of the house of representatives not later than January 1, 2007.

Sec. 7. INITIAL APPOINTMENTS. The governor, the lieutenant governor, the speaker of the house of representatives, and the deans of the law schools at The University of Texas at Austin and Texas Tech University shall make the appointments to the commission not later than the 31st day after the effective date of this article.

Sec. 8. OTHER LAW. The commission is not subject to Chapter 2110, Government Code.

Sec. 9. ABOLITION. The commission is abolished on January 1, 2007, and this article expires on that date.

SECTION 2. This Act takes effect September 1, 2005.

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